STATUTORY INSTRUMENTS

2026 No. 1127 (C. 93)

LOCAL GOVERNMENT, ENGLAND

HIGHWAYS, ENGLAND

The English Devolution and Community Empowerment Act 2026 (Commencement No. 3) Regulations 2026

Made - - - - 26th October 2026

The Secretary of State makes these Regulations in exercise of the powers conferred by section 108(6) and (8) of the English Devolution and Community Empowerment Act 2026(**a**).

Citation

1. These Regulations may be cited as the English Devolution and Community Empowerment Act 2026 (Commencement No. 3) Regulations 2026.

Provisions coming into force on 29th October 2026

2. The following provisions of the English Devolution and Community Empowerment Act 2026 come into force on 29th October 2026—

(a) section 26 (charges payable by undertakers executing works in maintainable highways) in so far as it relates to the provisions referred to in paragraphs (b) and (c) of this regulation;

(b) paragraph 1 of Schedule 9 (charges payable by undertakers executing works in maintainable highways) in so far as it relates to the provision referred to in paragraph (c) of this regulation;

(c) paragraph 2 of Schedule 9.

Signed by authority of the Secretary of State for Transport

Justin Madders
Parliamentary Under-Secretary of State
Department for Transport

26th October 2026

(**a**) 2026 c. 23.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the third commencement regulations under the English Devolution and Community Empowerment Act 2026 (c. 23) ("the EDCEA 2026").

Regulation 2 brings into force, on 29th October 2026, paragraph 2 of Schedule 9 to the EDCEA 2026 (and section 26 of, and paragraph 1 of Schedule 9 to, that Act in so far as they relate to paragraph 2 of Schedule 9). Paragraph 2 of Schedule 9 makes amendments to sections 74A and 74B of the New Roads and Street Works Act 1991 (c. 22) ("the NRSWA 1991").

These Regulations bring into force amendments to the NRSWA 1991 which devolve the power from the Secretary of State to Mayors of Mayoral Combined Authorities ("MCA") and Mayors of Mayoral Combined County Authorities ("MCCA"), to approve, by an Order, a highway authority to charge an undertaker for street works. For highway authorities that are not part of an MCA or MCCA, the Secretary of State continues to be the appropriate authority to approve those highway authorities to charge undertakers for street works under sections 74A and 74B of the NRSWA 1991, and continues to be the appropriate authority where, at the time an application for approval to issue charges is submitted, the first Mayor for an MCA or MCCA has not yet taken office.

These Regulations do not commence paragraphs 3 and 4 of Schedule 9.

An impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Impact Assessment was produced for the EDCEA 2026 and is available from https://bills.parliament.uk/publications/63710/documents/7405, and copies can be obtained from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the English Devolution and Community Empowerment Act 2026 have been brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Section 43	15th July 2026	2026/812
Section 63 (partially)	18th June 2026	2026/656
Section 89	15th July 2026	2026/812
Section 94 (partially)	15th July 2026	2026/812
Sections 96 to 98	15th July 2026	2026/812
Schedule 30 (partially)	18th June 2026	2026/656
Schedule 34 (partially)	15th July 2026	2026/812

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ISBN 978-0-34-828820-9

£6.40

http://www.legislation.gov.uk/id/uksi/2026/1127

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